

OFFICIAL COPY

Fresno, California

June 5, 2001

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Dan Fitzpatrick, Agency Executive Director  
Jesse Avila, Assistant City Attorney  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

President Perea's assistant gave the invocation, and Councilmember Calhoun led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "FAMILY AWARENESS DAY"

PROCLAMATION OF "MEN WHO COOK DAY" - PRESIDENT PEREA

PROCLAMATION OF "VIKING ELEMENTARY SCHOOL'S CONFLICT MANAGERS PROGRAM DAY" -  
COUNCILMEMBER CASTILLO

The above proclamations were read and presented.

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**(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council convened in joint session with the Redevelopment Agency at the hour of 8:47 p.m.

APPROVE AGENCY MINUTES OF MAY 15, 2001

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the minutes of May 15, 2001, approved as submitted.

**(“A”) RESOLUTION NO. 01-176 - APPROVE A ONE-YEAR EXTENSION OF THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA COMMITTEE PURSUANT TO COMMUNITY REDEVELOPMENT LAW SECTION 33386 (COUNCIL ACTION)**

Agency Director Fitzpatrick briefly reviewed the staff report as submitted.

Barbara Hunt, 944 “F” Street, spoke to the issue.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 01-176 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

**(“B”) AWARD A CONTRACT FOR ASBESTOS ABATEMENT AND DEMOLITION OF BUILDINGS ON FRESNO STREET, HOWARD STREET, THESTA STREET AND VALERIA STREET (AGENCY ACTION)**

Councilmember Calhoun rescused himself from the proceedings due to a potential conflict of interest and left the dais at 8:50 a.m.. A motion and second was made to award the contract.

Barbara Hunt, 944 “F” Streets, spoke to the issue.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, a contract hereby awarded to Kroeker, Inc., in the amount of \$140,557 for asbestos abatement and demolition of buildings on Fresno, Howard, Thesta and Valeria Streets, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	Calhoun

**(“C”) APPROVE PURCHASE AGREEMENTS FOR AGENCY ACQUISITION OF TWO PROPERTIES WITHIN AND ADJACENT TO THE PROPOSED LAVERA WILLIAMS DAY CARE FACILITY LOCATED AT THE NORTHEAST CORNER OF FRESNO AND “A” STREETS (AGENCY ACTION)**

Agency Director Fitzpatrick briefly reviewed the staff report as submitted. Councilmember Calhoun returned at 8:52 a.m.

Barbara Hunt, 944 “F” Street, spoke.

Acting President Ronquillo gave a general overview of the issue and spoke in support, and Mr. Fitzpatrick responded to questions of Councilmember Boyajian relative to opening timeline and number of children that would be served, with Councilmember Boyajian commending the project owner.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, the purchase of the Moreno and Canales properties for a combined purchase price of \$25,5000 hereby approved, and the Agency Executive Director or Redevelopment Administrator authorized to execute the necessary documents, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

**(“D”)** CONSIDER APPROVING A PROFESSIONAL CONSULTANT AGREEMENT WITH THE ARCHITECTURAL FIRMELS FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES RELATING TO THE DESIGN OF THE FULTON MALL AREA WITHIN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT AREA (AGENCY ACTION)

Agency Director Fitzpatrick briefly reviewed the staff report as submitted.

Barbara Hunt, 944 “F” Street, spoke in opposition.

Acting President Ronquillo noted experts agreed the City made a mistake years ago going with the six block size of the Fulton Mall, spoke in support of the issue stating it was vital to receive a plan before looking into opening up the mall adding the sooner this was done the sooner the mall would return to its better days, commented on the importance of the south end complimenting the stadium to revitalize the mall, and urged Council to take this to the next level and made a motion to approve staff’s recommendation.

Extensive discussion ensued with Mr. Fitzpatrick and Acting President Ronquillo responding to questions, concerns and/or comments of President Perea and Councilmembers Boyajian, Quintero, Castillo and Duncan, and or clarifying issues relative to the agreement only providing data and not committing Council to opening the mall, number of consultations of the mall to date, Councilmember Boyajian’s concern with the \$250,000 cost, a prior study of the mall and a drawing depicting what the mall would look like opened up, why all downtown projects/studies could not be consolidated into one, consultants hired for the Uptown District and downtown parking, if a consultant had been hired for the artwork on the mall, desire for an entire downtown area plan including parking needs and the new hotel, motion to table the matter two weeks to look into a city-wide plan, the Downtown Implementation Team trying to accomplish the same things, and including the mall proposal in the empowerment zone application to HUD. President Perea seconded Councilmember Castillo’s motion stating it may make sense to consolidate the different funds for consultants and future funds if the downtown task force brought a focus together.

Mr. Fitzpatrick responded to additional questions of Councilmember Boyajian relative to highlighting/improving the mall (**2 - 0**) and expressed his concern stating the \$250,000 should be spent *on the mall*.

\*\* At this point proceeding were interrupted to acknowledge and welcome the Sun Empire Elementary School student council who sang a song for Council.

Proceedings continued with Acting President Ronquillo emphasizing the ULI study brought out the focus on the mall and stressed all the light, trees and benches would not increase the vitality due to the flaw to close up the mall, and encouraged Council to move forward and not delay. Chair Duncan concurred with Acting President Ronquillo stating this was not an end but a step in the process and he believed the concerns expressed in requesting a delay would be adequately addressed, and stated he wanted to keep the synergism and momentum going.

A motion of Councilmember Castillo, seconded by President Perea, to table the matter for two weeks to allow staff to look into hiring a consultant for a City-wide plan failed, by the following vote:

Ayes	:	Castillo, Perea, Quintero
Noes	:	Boyajian, Calhoun, Ronquillo, Duncan
Absent	:	None

A motion and second was made to approve staff's recommendation. Councilmember Castillo stated although he would not have a problem approving the agreement his concern now was the cost and not knowing what the city would be getting and stated he wanted the total cost to be firmed up

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency Executive Director or his designee authorized to negotiate final language and execute a contract with ELS for architectural design/engineering services related to the concept design of the Fulton Mall area, subject to approval of the terms and conditions thereto by the Executive Director or designee, and the office of the City Attorney, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned and the City Council reconvened in regular session at 9:32 a.m.

#### PROCLAMATION OF SHENG MOUA DAY - COUNCILMEMBER CASTILLO

Read and presented.

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#### APPROVE JOINT POWERS FINANCING AUTHORITY MINUTES OF MAY 15, 2001

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the JPFA minutes of May 15, 2001, approved as submitted.

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#### APPROVE CITY COUNCIL MINUTES OF MAY 22 AND MAY 29, 2001

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the minutes of May 22 and 29, 2001, approved as submitted.

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#### **APPROVE AGENDA:**

DIRECT STAFF TO FOLLOW-UP ON THE CONTINUING LANDSCAPING/IRRIGATION PROBLEMS WITH TREE FRESNO ON THE VENTURA/KINGS CANYON MEDIAN ISLANDS - COUNCILMEMBER QUINTERO

Direction made.

**(3C) BILL FOR INTRODUCTION AND ADOPTION ADDING SUBSECTION (d) TO SECTION 8-309 EXCEPTING FROM THE CITY'S NOISE REGULATIONS CONSTRUCTION, REPAIR OR REMODELING WORK DURING THE HOURS OF 6:00 A.M. TO 7:00 A.M. FROM JUNE 5, 2001 TO SEPTEMBER 30, 2001 - PRESIDENT PEREA**

At the request of President Perea the matter was set for 10:10 a.m.

**(10:15 A.M.) REQUEST CITY ATTORNEY TO REVIEW PROPOSED DEVELOPMENT SIGNAGE PILOT PROGRAM FOR CONSIDERATION OF IMPLEMENTATION - COUNCILMEMBER CALHOUN**

Councilmember Duncan stated he would be recusing himself from the above proceedings due to a conflict of interest and, noting the length of budget hearings advised he would be leaving at 6:30 p.m. for his daughter's graduation. So noted.

**REQUEST TO RESCHEDULE JUNE 12<sup>TH</sup> HEARING RELATIVE TO USE OF EATON PLAZA FOR JUNE 19<sup>TH</sup> - ACTING PRESIDENT RONQUILLO**

At the request of Acting President Ronquillo and with Council consensus the matter was rescheduled for June 19<sup>th</sup> at 3:00 p.m.

**(11:30 A.M.) PROCLAMATION FOR VERONA, ITALY DELEGATION**

President Perea noted the delegation was touring the country and would be present around 11:30 a.m. and requested proceedings ongoing at that time be interrupted to present the proclamation as scheduled. Acting President Ronquillo left the meeting at 9:41 a.m. and returned later in the meeting.

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**ADOPT CONSENT CALENDAR:**

**(1A-1) APPROVE THE SALE OF A 0.23 ACRE EASEMENT NEAR HERNDON AND HAYES TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR \$12,650; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE GRANT OF EASEMENT AND RIGHT-OF-WAY AND AGREEMENT FOR SALE OF EASEMENT ON REAL PROPERTY AND ESCROW INSTRUCTION ON BEHALF OF THE CITY**

**(1A-2)** ACCEPT A PUBLIC SEWER EASEMENT FOR PARCEL MAP 98-21 ON RIVER BEND'S PROPERTY AT ASHLAN AND MARTY AVENUES; AND THE PUBLIC WORKS DIRECTOR AUTHORIZED TO SIGN THE EASEMENT FOR THE CITY OF FRESNO

**(1A-3)** APPROVE AMENDMENTS TO AGREEMENTS FOR ADDITIONAL PROFESSIONAL ENGINEERING AND ENVIRONMENTAL SERVICES REQUIRED TO COMPLETE THE FINAL PHASES FOR A REGIONAL PARK/SPORTS COMPLEX AT THE FRESNO SANITARY LANDFILL AS ACKNOWLEDGED BY COUNCIL ACTION ON THE AAR AND CHANGE ORDER ON 4/24/01, AS FOLLOWS:

**"a"** AMEND THE AGREEMENT WITH BOYLE ENGINEERING CORP. TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL/ENGINEERING SERVICES FOR THE PARK/SPORTS COMPLEX

**"b"** AMEND THE AGREEMENT WITH GEOSYNTEC CONSULTANTS TO PROVIDE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES RELATED TO THE CLOSURE OF THE FRESNO SANITARY LANDFILL SUPERFUND SITE (\$128,500)

**"c"** AMEND THE AGREEMENT WITH GEOSYNTEC CONSULTANTS TO PROVIDE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES RELATED TO THE CLOSURE OF THE FRESNO SANITARY LANDFILL SUPERFUND SITE (\$20,00)

**(1A-5)** AWARD A CONTRACT TO MAULDIN-DORFMEIER CONSTRUCTION IN THE AMOUNT OF \$158,889 TO FURNISH AND INSTALL WELL SITE IMPROVEMENTS AT PUMP STATIONS 44A, 52, 80, 136 AND 154

**(1A-6)** DECLARING A MINOR IRREGULARITY THAT D.H. WILLIAMS DID NOT SUBMIT TWO DBE FORMS BUT MET THE 10% DBE GOAL WITH A DBE SUBCONTRACTOR LISTED ON THE SUBCONTRACTOR LISTING WHICH WAS SUBMITTED WITH THE BID, AND AWARD A CONTRACT TO D.H. WILLIAMS CONSTRUCTION IN THE AMOUNT OF \$108,790 FOR IMPROVEMENTS AND STRIPING FOR BIKE LANES ON SHIELDS, WEST AND CEDAR AVENUES

**(1A-7)** AWARD A CONTRACT TO GELCO SERVICES, INC. IN THE AMOUNT OF \$598,605.50 FOR SANITARY SEWER REHABILITATION BY METHOD OF CURED IN PLACE PIPE IN MAPLE, JENSEN AND ASHLAN AVENUES

**(1A-8)** AWARD A CONTRACT TO A-C ELECTRIC IN THE AMOUNT OF \$118,567 FOR TRAFFIC SIGNAL UPGRADES AT MILLBROOK/TEAGUE AND ALLUVIAL/FIRST AVENUES

**(1A-9) \* RESOLUTION NO. 01-177 - 136<sup>th</sup>** AMENDMENT TO AAR TRANSFERRING \$42,900 OF MUNICIPAL SERVICE CENTER CONTINGENCY FUNDS TO PAY THE COST OF BALLAST AND LIGHTING RETROFIT AT THE MUNICIPAL SERVICE CENTER

**(1A-11) RESOLUTION NO. 01-178 -** APPROVING THE FINAL MAP OF TRACT NO. 4957 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED EAST OF PEACH AVENUE AND NORTH OF OLIVE AVENUE

**1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND DEED OF AVIGATION AND HAZARD EASEMENT

2. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN; STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PLANT AND MAINTAIN FRONT YARD TREES; AND STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO LANDSCAPE AND MAINTAIN OPEN SPACE

(1A-12) \* **RESOLUTION NO. 01-179** - 148<sup>TH</sup> AMENDMENT TO AAR APPROPRIATING \$200 OF DISTRICT 1'S GENERAL FUND INFRASTRUCTURE TO FUND THE FRESNO HIGH SCHOOL CLASS OF 2001 SOBER GRADUATION PARTY - COUNCILMEMBER BOYAJIAN

(1A-14) \* **RESOLUTION NO. 01-180** - 143<sup>rd</sup> AMENDMENT TO AAR APPROPRIATING \$10,000 OF DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE COALITION OF URBAN RENEWAL EXCELLENCES' (CURE) IN-FILL HOUSING PROJECT - ACTING PRESIDENT RONQUILLO

(1A-16) \* ADOPT THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA/UNIT 13)

(1A-17) \* **RESOLUTION NO. 01-181** - 150<sup>TH</sup> AMENDMENT TO AAR APPROPRIATING \$4,000 OF DISTRICT 7'S GENERAL FUND INFRASTRUCTURE BUDGET TO REIMBURSE THE REDEVELOPMENT AGENCY FOR THE VERONA, ITALY SISTER CITY SITE VISIT

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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Councilmember Quintero acknowledged former Councilmember Paul Wasemiller in the audience and welcomed him stating he was part of a Council that made great changes in the city.

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**CONSIDERATION OF CONTESTED CONSENT CALENDAR ITEMS:**

(1A-4) \* **RESOLUTION** - 144<sup>TH</sup> AMENDMENT TO AAR RECLASSIFYING \$608,500 OF FRESNO AREA EXPRESS FUNDS FROM CONTINGENCY TO EMPLOYEE SERVICE LINE ITEMS

Councilmember Calhoun expressed concern that (1) contingency funds were being requested for use and (2) that the \$600,000 cost for raises was not budgeted, stressed those issues needed to be addressed including why they happened and assurance that they would not happen again, and questioned if it was ever known at some point that funds would be needed to pay for the raises, if using contingency funds was standard operating procedure, and why this matter was not brought to Council's attention way earlier, with Budget Manager Bruney responding.

Mr. Bruney, Assistant City Manager Souza and Transit Manager Rudd responded to questions of Councilmember Castillo and/or clarified issues relative to what the reserve balance would be if the requested amount were appropriated, how CFPEA was involved, FCEA and CFPEA health and welfare negotiations, the circulator service, and overtime costs including the need to reduce and reasons therefor.

Councilmember Castillo made a motion to adopt the resolution excluding the \$80,000 for overtime costs stressing that problem needed to be tackled. Mr. Rudd responded to questions of Councilmembers Boyajian and Castillo relative to problems with overtime last year and reasons therefor, high sick leave usage being a common industry problem and why it has not been dealt with (with Mr Rudd stating staff has been trying to deal with the issue the past 10 years), suggested solutions, and if privatization was in the horizon. Councilmember Castillo stated this ongoing problem needed to be discussed with bus drivers and unions emphasizing drivers needed to know they were hired to drive buses and it was not right to inconvenience riders who paid their salaries. Relative to the motion, Mr. Bruney clarified incurred overtime costs would be paid as the city was legally obligated to do so regardless of whether enough appropriations were available to cover expenses.

Barbara Hunt, 944 “F” Street, spoke.

A motion and second was made to approve the resolution as presented, which was acted upon after additional discussion. President Perea stated he would not be supporting the motion noting it seemed like issues like this were continuing to come forward and explained. Councilmember Boyajian added this was why Council asked for a financial audit, emphasized Council wanted and *needed* information to make decisions, and added the process needed to be changed. President Perea concurred stating some type of review was necessary and he felt there had to be some legal issues with Council not having all the information.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to adopt the above entitled Resolution failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
Noes	:	Castillo, Perea
Absent	:	Ronquillo

**(3 - 0)** President Perea requested a discussion with staff this week and advised the matter would be reschedule in one week.

**(1A-10) AWARD REQUIREMENTS CONTRACT FOR MAINTENANCE OF MUNICIPAL TREES**

Councilmember Boyajian stated he had no problem with awarding the contract but he felt this was unrealistic for needed services, with Parks and Recreation Director Primavera responding. Councilmember Boyajian expressed his frustration with his district’s needs and stated more funding was needed.

Mr. Primavera responded to questions of Councilmember Castillo and clarified issues relative to process for residents to trim trees, need to educate residents of the process, down side being residents who are unskilled/not knowledgeable in tree trimming, and undertaking a notification process and cost. Councilmember Castillo made a motion to delay the matter one week to discuss the notification issue further, which motion did not receive a second.



A motion and second was made to approve staff’s recommendation, which was subsequently amended to eliminate the provision for two one-year extensions.

President Perea requested Council approve the 3-year contract only and drop the extension provisions stating he’s found when a long term contract is approved it can be a disincentive to perform by the vendor, which amendment was accepted by the motion and second-maker. Brief discussion ensued on whether that would affect the price of tree services with Mr. Primavera and Purchasing Manager Taggart responding. Upon question of Councilmember Boyajian, Assistant City Attorney Avila stated he would have to look into the liability issue of people performing their own tree services.

Barbara Hunt, 944 “F” Street, spoke to the issue.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, a three-year requirements contract for maintenance of municipal trees hereby awarded to West Coast Arborists Services in the amount of \$883,275, *as amended, eliminating the provisions for two one-year extensions*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

**(1A-13) \* RESOLUTION - 149<sup>TH</sup> AMENDMENT TO AAR RECLASSIFYING \$1,400 OF APPROPRIATION AUTHORITY FROM CONTINGENCY TO FUND PROGRAMS APPROVED BY THE COMMISSION ON THE STATUS OF WOMEN**

Councilmember Calhoun expressed concern with the contingency fund being used again (as in Item 1A-4 considered earlier), stated this sounded like an “end of the year, let’s spend some money” type thing, noted there was not even an indication of what the funds were for, with Budget Manager Bruney responding and clarifying the process, and made a motion to deny the resolution. Upon question of Councilmember Duncan, Mr. Bruney stated \$1,000 was intended for American Legion Post 509 and \$400 was for an organization called “Encourage Tomorrow” for scholarships for young girls continuing their education.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled resolution denied, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Perea
Noes	:	Boyajian, Quintero
Absent	:	Ronquillo

**(1A-15) \* RESOLUTION NO. 01-182 - 145<sup>th</sup> AMENDMENT TO AAR PROVIDING FUNDING FROM BUDGETED CONTINGENCY MONIES FOR SOLID WASTE CONVERGENT GROUP EXPENDITURES IN FY 2001**

President Perea expressed concern the Convergent Group (CG) would be providing to some degree the same type of services previously paid for and not delivered and explained, and questioned the total cost of the entire CG project, if the contingency fund was developed as a result of fees charged to rate-payers, contingency balance at this time, and if contingency funds could be used for rates, with Interim Director of Public Utilities McIntyre responding.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-182 hereby adopted, by the following vote;

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(9:45 A.M.) APPEARANCE BY WILLIAM MILTON SR. TO DISCUSS SIDEWALKS AND CURB RAMPS IN FRESNO**

Appearance made with Mr. Milton expressing concern with the lack of curb cuts stating the City was way out of compliance.

Ed Eames, 3376 N. Wishon, requested Council consider adding more funding for curb cuts.

Councilmember Castillo ensured Mr. Milton Council was greatly concerned and was finding there was mismanagement of UGM funds in which some of those dollars should have gone for curb cuts. There was no further discussion.

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**(9:50 A.M.) DIRECT THE CITY MANAGER TO RETURN WITH DOCUMENTS NECESSARY TO EXTEND THE INNER CITY CUP FEE BOUNDARY ON SHIELDS FROM WEST TO HUGHES AVENUES - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian reviewed the issue stating this involved a couple's investment in a blighted building at Hughes and Dakota for a proposed day care center which was needed in the area, and stated a waiver of fees was needed and would help and show the City cared about those investing back into the community.

Brenda Baldwin gave an overview of her experience in the day care industry and her plans and investment and spoke in support of waiving fees stating she did not have \$5,000 for a CUP.

Councilmember Boyajian made a motion as outlined above and upon question, Development Director Yovino explained the mechanics involved in conducting a comprehensive study to extend the boundary on all sides and advised of other alternatives/options that could be looked into. President Perea seconded the motion and discussion ensued.

Mr. Yovino, City Manager Hobbs, Ms. Baldwin and Councilmember Calhoun responded to questions, commented, and/or clarified issues relative to the Inner City Fee program, need to ensure financing was in place before waiving fees, the study possibly showing impacts on revenues and the budget, trying to determine justification to intervene without setting a precedent, this being an appropriate time to look into expanding boundaries as the city has expanded, looking into providing the same services for Pinedale and Highway City, what staff would be coming back with, if a "director discretion" was permissible, **(4 - 0)** and if staff would be obtaining Council's input on what they would like to see for their districts.

On motion of Councilmember Boyajian, seconded by President Perea, duly carried, RESOLVED, the City Manager requested to direct staff to conduct a study to determine revenue impacts on the Development Department to extend the boundary outward looking at all sides comprehensively, not just from West Avenue to Hughes Avenue, and return in three weeks with the findings, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(10:00 A.M.) APPROVE AGREEMENT WITH SELF HELP ENTERPRISES FOR DEVELOPMENT OF A SINGLE-FAMILY AFFORDABLE HOUSING PROJECT AND NEIGHBORHOOD PARK LOCATED ON THE SOUTH SIDE OF CHURCH EAST OF CHESTNUT AVENUE USING \$850,000 OF HOME/COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUNDS, PENDING ADOPTION OF THE FY 02 BUDGET**

Councilmember Duncan questioned if Council could commit FY 02 funds without an adopted budget with Assistant City Attorney Avila and HNR Manager Bowness responding and clarifying. Councilmember Quintero spoke in support of the project.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the agreement with Self Help Enterprises for development of a 21 single-family, affordable housing project and neighborhood park located on the south side of Church Avenue east of Chestnut using \$850,000 of HOME/Community Housing Development Organization (CHDO) funds hereby approved, pending adoption of the FY 2002 budget, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(3C) (10:10 A.M.) BILL - FOR INTRODUCTION AND ADOPTION ADDING SUBSECTION (d) TO SECTION 8-309 EXCEPTING FROM THE CITY'S NOISE REGULATIONS CONSTRUCTION, REPAIR OR REMODELING WORK DURING THE HOURS OF 6:00 A.M. TO 7:00 A.M. FROM JUNE 5, 2001 TO SEPTEMBER 30, 2001 - PRESIDENT PEREA (RECONSIDERED LATER IN THE MEETING DURING PUBLIC WORKS BUDGET)**

President Perea reviewed the background of the issue, how it related to the energy crisis, and that the BIA was requesting flexibility, and spoke in support stating this would also provide heat relief for workers and made a motion to adopt the ordinance, which was seconded and subsequently amended and acted upon.

Speaking in support were: Jeff Harris, BIA, 1477 E. Shaw; Stebbins Dean, Chamber of Commerce; and Barbara Hunt, 944 "F" Street.

Upon question of Councilmember Quintero, Deputy City Attorney Slater confirmed a process was already in place for those wishing to begin work earlier and brief discussion ensued. Councilmember Quintero stated he liked his peace and quiet and noted weekend noise needed to be considered. Councilmember Calhoun spoke in opposition to the ordinance stating there were those already who violated the 7 a.m. limitation and if the time was moved back to 6 am they would violate even earlier.

Councilmember Duncan commended President Perea for his leadership on the energy situation and questioned if the ordinance could be amended to exclude residential developments stating he already receives numerous calls on noise for developments in his area, which amendment was accepted by the motion and second-makers.

Brief discussion ensued with Councilmembers Boyajian, Calhoun, Castillo and President Perea commenting on the pros and cons of the issue and necessary findings.

A motion of President Perea, seconded by Councilmember Castillo, to introduce and adopt the above bill, *as amended to exclude residential developments* failed, due to the need for five affirmative votes for an emergency ordinance, by the following vote:

Ayes	:	Castillo, Duncan, Perea
Noes	:	Boyajian, Calhoun, Quintero
Absent	:	Ronquillo

*(Reconsidered later in the meeting during the public works budget hearing)*

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**(10:15 A.M.) REQUEST CITY ATTORNEY TO REVIEW PROPOSED DEVELOPMENT SIGNAGE PILOT PROGRAM FOR CONSIDERATION OF IMPLEMENTATION - COUNCILMEMBER CALHOUN**

Councilmember Duncan recused himself from the proceedings due to a conflict of interest and left the dais at 11:20 a.m. Councilmember Calhoun reviewed the issue noting he met with the building industry and stated the pilot program would go a long way to meet concerns of many individuals relative to mainly signs advertising new homes and how to get there, noted the pilot program was included in Council's packet and would be a voluntary program, requested Council support the issue and see how it worked, and made a motion to establish the pilot program.

Speaking to the issue were: Roger Hanke, 4736 E. Belmont, opposed; Jeff Harris, BIA, support and who gave an overview of what the BIA was asked to do and what they came up with; and Barbara Hunt, 944 "F" Street.

Councilmember Castillo recommended the issue be referred to the Sign Ordinance Committee for a recommendation, and Councilmember Boyajian questioned why the City was not currently enforcing violations.

Upon call, Councilmember Calhoun's motion died for lack of a second and there was no further discussion.

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Councilmember Duncan returned to the meeting at 11:30 a.m. and advised Krispy Kreme Doughnuts was breaking ground for their facility this date and presented Council with their doughnuts.

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**(10:30 A.M.) APPROVE WORKOUT PLAN TO REPAY DEFICIT IN CONVENTION CENTER DEBT SERVICE FUND**

Budget Manager Bruney reviewed the staff report as submitted, stated probably the most important part of the report was how to avoid this problem in the future, and emphasized no debt service payments were missed and there was no default in any of the payments.

Barbara Hunt, 944 “F” Street, spoke to the issue.

At this point, proceedings were interrupted for the Verona presentation.

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**(11:30 A.M.) PROCLAMATION FOR THE VERONA, ITALY DELEGATION**

The Italian delegation was welcomed by Deputy Mayor Montero **(5 - 0)**. Acting President Ronquillo returned to the meeting at 11:41 a.m. The proclamation was read and presented and comments and gift exchanges were made by Fresno and Verona officials.

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**(10:30 A.M.) APPROVE WORKOUT PLAN TO REPAY DEFICIT IN CONVENTION CENTER DEBT SERVICE FUND (CONTINUED FROM EARLIER)**

President Perea advised he had to leave to attend a lunch engagement with the Verona delegation and requested Council not move the plan forward. (Brief discussion ensued on prioritizing the afternoon budget listings with Councilmember Duncan reiterating he would be leaving at 6:30 p.m.) President Perea left the meeting at 12:00 noon and returned for the afternoon session. Mr. Bruney again gave a brief overview of the issue and Councilmember Duncan commended the new city manager for bringing the information straight to Council.

Extensive discussion ensued with Councilmembers Duncan, Castillo and Acting President Ronquillo commenting, presenting questions, and/or expressing concern relative to when the problem originated, why Council was not informed, when the mistake was discovered and if Council was informed at that time, the Zoo’s debt payment and if Council is informed of the deficit yearly, requesting a report to manage the Zoo deficit, amount needed to cover the convention center deficit, staff informing the city manager of the shortfall the first and second times, the Calcot reimbursement plan in the amount of \$570,000, not identifying funding sources with contracts such as the Calcot one and why arrangements are not made ahead of time, cost for Chavez Adult School street improvements, concern with numerous open end contracts coming to light, need for staff at some point as professionals to bring these issues to light no matter what they are told, concern with 11<sup>th</sup> hour requests, intentional withholding of information from Council, difference of opinion on “chain of command”, the former city manager’s motivation for withhold the information, and staff having protections and having the responsibility to say something, with Mr. Bruney, Assistant City Manager Souza and City Manager Hobbs responding and/or clarifying issues.

Councilmember Quintero thanked staff for coming forward with the information stating it takes a professional to admit error, and stated there was no reason to rehash the matter and it was now up to Council to make the decision on how to approach the problem. Councilmember Duncan made a motion to approve staff’s recommendation for a workout plan which was seconded by Councilmember Quintero.

Mr. Bruney and Interim Controller Carlton responded to additional questions/comments of Councilmembers Boyajian and Castillo relative to the workout plan, if it would be plausible to increase the convention center budget, if interest would be paid on the plan, the Mayor's proposed film commission, the Zoo's debt service, workout plan timeline, if interest payments would come out of the general fund, RDA tax increment **(6 - 0)** and Radisson ground lease issue, and Fresno State's payments to expand the Selland arena.

Acting President Ronquillo stated it might be in Council's best interest to delay action on the basis that the Macias Group may provide a little more information adding he would not support the motion.

A motion of Councilmember Duncan, seconded by Councilmember Quintero, to approve staff's proposed workout plan to bring the Convention Center Debt Service Fund into balance within the next five years failed, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Ronquillo
Absent	:	Perea

Acting President Ronquillo advised the matter would be rescheduled as soon as possible.

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#### **LUNCH RECESS - 12:33 P.M. - 2:00 P.M.**

#### **(10:45 A.M.) CLOSED SESSION:**

##### **(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

1. CITY OF FRESNO V. CIVIC CENTER SQUARE, INC., GLENDALE FEDERAL BANK (CAL FED BANK); SUP. CT. CASE #612630-4
2. CITY OF FRESNO V. MICHE ERGANIAN

##### **(B) PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS - TITLES:**

1. CITY CLERK
2. CITY ATTORNEY

The Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in open session at 3:09 p.m.

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##### **(5C) CONSIDER REFERRAL OF PLANNING COMMISSION ACTION ON CONDITIONAL USE PERMIT APPLICATION NO. C-01-023, PROPERTY LOCATED ON THE WEST SIDE OF E. RIVER PARK PLACE, SOUTH OF E. AUDUBON DRIVE - COUNCILMEMBER DUNCAN**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, a hearing set for June 26, 2001, at 11:15 a.m. to consider the Planning Commission's action on CUP No. C-01-023, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5E) APPROVE CONTRACT WITH CONSULTANT FOR EMPOWERMENT ZONE (EZ) APPLICATION - COUNCILMEMBER CASTILLO**

**1. DIRECTION REGARDING POTENTIAL FUNDING SOURCES TO PAY FOR THE EMPOWERMENT ZONE APPLICATION CONSULTANT**

Councilmember Castillo spoke in support and made a motion to approve the contract stating it was critical for the community to achieve the EZ designation and spoke in support of The Natelson Group stating they had been successful in writing grants for Orange County and Los Angeles and that he was very energized after talking with them and was confident the city would do well. The motion was seconded and acted upon after brief discussion.

Acting President Ronquillo commented on the issue, complimented Councilmember Castillo and the committee, and spoke in support stating the cost was a pittance compared to what would be received. President Perea clarified a couple of funding sources had been suggested by staff but Council was looking for a little more creativity, and Councilmember Castillo advised The Natelson Group had a representative housed in Washington whose sole purpose was to lobby and have a relationship with HUD and clarified the cost for the consultant would not be money down the drain because they offered to give the city a workable plan which the City could implement even if the designation was not received.

Speaking to the issue were: Roger Palomino, Executive Director, EOC, 1920 Mariposa Mall; and Walt Parry, Fresno Metro Ministry, who spoke to and/or questioned the rumor of Council tapping social service funds to fund the consultant, and spoke in opposition to utilizing those funds and in support of funding social service agencies, with President Perea responding.

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the City Manager authorized to execute a contract with The Natelson Group for the Empowerment Zone application, and staff directed to identify and return with funding source options, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3A) RESOLUTION NO. 01-183 - ADOPTING THE POWER OUTAGE PLAN AND AUTHORIZING THE WAIVING OF FAX BUS FARES FOR CITIZENS WHO REQUEST A RIDE TO A "COOL CENTER"**

Assistant Police Chief Dyer reviewed the issue and staff report as submitted.

Councilmember Duncan recommended the two issues be voted on separately

PART 1 - ADOPTING THE POWER OUTAGE PLAN

Councilmember Duncan made a motion to approve the plan, which was seconded and acted upon after brief discussion.

Assistant Chief Dyer responded to questions of Acting President Ronquillo and President Perea and clarified issues relative to the location of downtown sites, which center residents would go to if a power outage were to hit in one hour and what they could expect, and the plan going into effect only for long term blackouts. President Perea noted Manchester Center was the only private site and would always be available, and Councilmember Duncan commended staff adding the plan showed Fresno was leading the way. City Manager Hobbs clarified the plan was aimed at vulnerable/at-risk citizens and the city would still encourage anyone affected to first seek assistance from their families.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Power Outage Plan hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

PART 2 - AUTHORIZING THE WAIVING OF FAX BUS FARES FOR CITIZENS WHO REQUEST A RIDE TO A "COOL CENTER"

A motion and second was made to waive the fees and brief discussion ensued with Councilmember Duncan stating his concern was people boarding buses just because they wanted a free ride to Manchester Center adding some kind of control was needed, with Mr. Hobbs, Acting President Ronquillo and Councilmember Boyajian responding.

Speaking to the issue were: Orville Caldwell, 577 S. Peach, who stated people in wheelchairs needed to be considered as there were only two spaces on each bus for wheelchairs (with President Perea responding), Ed Eames, who advised the FAX Advisory Committee was working with FAX and city staff on the issue; and an unidentified gentleman who suggested options to assist those needing assistance.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the waiving of FAX bus fares for citizens requesting a ride to a "cool center" hereby authorized, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Based on the foregoing actions: On motions of Councilmember Duncan and Acting President Ronquillo, seconded by Councilmember Boyajian and Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-183 hereby adopted as presented, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3B) CONSIDER THE CREATION OF THE CLASS OF DIRECTOR OF ADMINISTRATIVE SERVICES OR APPROVE THE APPOINTMENT OF SEVERO ESQUIVEL AS CONTROLLER**

**1. \* RESOLUTION NO. 01-184 - 18<sup>TH</sup> AMENDMENT TO SALARY RES. 00-186 CREATING THE CLASS OF DIRECTOR OF ADMINISTRATIVE SERVICES**

President Perea made a motion to create the class of Director of Administrator Services. Councilmember Castillo stated it was important for Council to have some input on filling the controller position with a priority being to hire someone who would come in and redo the budget process, and spoke in support of conducting a nation-wide search.

Upon the request of Councilmember Calhoun, President Perea explained the proposal and need to create the position, and along with City Manager Hobbs and Assistant City Manager Souza responded to questions of Councilmembers Calhoun, Castillo and Boyajian and/or clarified issues relative to funding the director and controller positions, prior Council action on the issue, why the two positions were split, salaries for both positions, cost for a nation-wide search for a controller **(7 - 0)**, the reorganization of the Administrative Services Department, and staff returning to Council with the cost for a search.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, **RESOLVED**, the class of Director of Administrative Services hereby created and the above entitled Resolution No. 01-184 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5A) DISCUSSION OF OPPORTUNITY TO RENAME “M” STREET TO “INDEPENDENCE AVENUE” - COUNCILMEMBER CALHOUN**

Councilmember Calhoun gave a brief overview and requested a date be set after budget hearings to discuss the renaming. Brief discussion ensued on costs involved to rename streets and the policy with Councilmembers Duncan and Castillo requesting staff provide a report including the cost, city policy, criteria, and recommendations.

By Council consensus, discussion on renaming “M” Street to Independence Avenue was set for July 17, 2001, at 4:00 p.m.

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**(5B) CONSIDER REFERRAL OF PLANNING COMMISSION ACTION ON CONDITIONAL USE PERMIT APPLICATION NO. C-01-031, PROPERTY LOCATED AT 5525 W. SHAW - COUNCILMEMBER CALHOUN**

Briefly reviewed by Councilmember Calhoun who advised the Planning Commission voted to deny the application and he wanted to review that action and made a motion to set a hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, a hearing set for June 19, 2001, at 10:00 a.m. to consider the Planning Commission’s action on CUP No. C-01-031, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5D) DIRECT CITY MANAGER TO LOOK INTO INCREASING UGM FEES AND BOUNDARIES - COUNCILMEMBER BOYAJIAN**

Development Director Yovino and Public Works Director Williamson responded to questions of Councilmember Boyajian relative to when UGM fees were last increased, number of fees involved, and if staff was required to come before Council to raise fees. Acting President Ronquillo left the meeting at 4:07 p.m. and returned during the public works budget hearing. Mr. Williamson continued responding to questions and advised staff was currently going through a process to evaluate and determine whether the system needed replacement or updating. Councilmember Boyajian made a motion for staff to continue with their comprehensive study and return with a draft status report. Mr. Williamson and Mr. Yovino responded to additional questions relative to whether linkage fees were being looked at in the study and if the fees were taking Council's direction and the new general plan into consideration.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, staff directed to continue their comprehensive study and report back on increasing UGM fees and boundaries in approximately two and one-half months, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(2:00 P.M.) CONTINUED HEARING ON FY 2002 CITY OF FRESNO BUDGET**

Councilmember Calhoun stated he was concerned with the overall fiscal condition of the city and was particularly concerned over several oversights and errors that had been brought to Council's attention, read a written statement into the record, a copy of which is on file in the office of the City Clerk, and noting Congress passed budgets on a temporary basis followed by continuing resolutions requested the City Attorney provide Council with options that provided flexibility so Council could receive the Macias report and gain a full understanding of the "real" financial condition of the city.

President Perea commented on the issue stating Council was not going to be able to give the amount of time needed to complete the budgetary process and requested the City Attorney provide, within the context of law, options for Council to pass a budget and allow flexibility to continue the budget process until such time that Council is comfortable enough to pass a final budget that would set the stage for the next four or five years, with Ms. Montoy stating her office would provide an option paper by the end of the week. Councilmember Castillo stated he concurred with Councilmember Calhoun and reiterated his earlier comments that he would be willing to propose a budget with no increases in funding.

**PUBLIC WORKS DEPARTMENT:**

Director Williamson thanked his staff and key staff in attendance and gave an overview of FY 01's accomplishments and highlights of FY 02's budget.

**MOTION - President Perea** - Remove from the motion list the transfer of \$1.5 million designated Measure “C” funds to Transit (with President Perea commenting further on the issue).

Mr. Williamson and Traffic Manager Padilla responded to questions/comments of Councilmember Boyajian relative to areas downtown without parking meters, county cars parking without paying fees, revenues being lost, if parking meters were a positive revenue source, the free parking program and revenues lost, and timeline to install all parking meters.

Mr. Williamson and Budget Manager Bruney responded to questions of Councilmember Duncan relative to the \$250,000 in the Roeding Business Park infrastructure plan, other funds or source to create the original \$1.5 million objective, and federal grant match.

**MOTION - Councilmember Duncan** - Appropriate \$1,250,000 for Roeding Business Park infrastructure.

Councilmember Duncan commented on refunding improvement projects in his district that were defunded due to priorities.

**MOTION - Councilmember Duncan** - Reallocate (\$266,600) \$500,000 for four (4) District 6 projects that were defunded last year (\*the amount was subsequently corrected to \$500,000 by Mr. Williamson)

Councilmember Duncan commented on the efficiency/duplication of tree trimming and sidewalk/street repairs.

**MOTION - Councilmember Duncan** - Move street tree maintenance services from the Parks and Recreation Department to Public Works.

**MOTION - Councilmember Duncan** - Eliminate free parking downtown and use/reinvest the estimated \$400,000 in revenues to develop additional downtown parking.

**(8 - 0)** \* Mr. Williamson corrected the amount for the relinquishment projects that were defunded in District 6 and commented on how projects had to be “re-scoped.” in the public works process this year.

Acting President Ronquillo commended the department, encouraged staff to do what they could to coordinate the City’s participation in the Measure “C” process and elaborated, and questioned how the issue of public employees taking advantage of parking without paying could be dealt with, with Mr. Williamson and Mr. Padilla responding.

Speaking to the need for additional funds for curb cuts were: Thom Rogers, 1487 N. San Pablo; William Milton, 1307 N. Calaveras; and Dr. Ed Eames, ADA Advisory Council Chair, 3376 Wishon. President Perea responded to comments made, emphasized Council shared concerns expressed, and presented questions relative to amount budgeted for curb cuts, how many were done last year, and who performed the work, with Mr. Williamson responding.

Continued speakers on the curb cut issue were: Marilyn Jost, 577 S. Peach; Marnie Rogers, 1487 N. San Pablo; Dr. Eames again, who clarified comments made; and Orville Caldwell, 577 S. Peach.

Proceedings were briefly interrupted to reconsider an earlier issue.

**(3C) (10:10 A.M.) BILL - FOR INTRODUCTION AND ADOPTION ADDING SUBSECTION (d) TO SECTION 8-309 EXCEPTING FROM THE CITY'S NOISE REGULATIONS CONSTRUCTION, REPAIR OR REMODELING WORK DURING THE HOURS OF 6:00 A.M. TO 7:00 A.M. FROM JUNE 5, 2001 TO SEPTEMBER 30, 2001 - PRESIDENT PEREA**

Acting President Ronquillo advised he had an emergency earlier in the meeting and was not present when the ordinance was acted upon, noted it failed with a 3-3 vote and advised if adopted as a non-emergency ordinance it would become effective 30 days after adoption which would still leave the months of July and September, stated he wanted to limit the ordinance to major residential construction, commercial and industrial only, and made a motion to reconsider the issue.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, Item **3C** brought back for reconsideration, by the following vote:

Ayes	:	Castillo, Duncan, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Quintero
Absent	:	None

Acting President Ronquillo made a motion, which was later clarified by City Attorney Montoy, to introduce the ordinance as non-emergency legislation limiting it to major residential construction, commercial and industrial developments only. City Attorney Montoy advised there was no issue as to industrial and questioned if the ordinance was being requested to be reconsidered as written, with Acting President Ronquillo responding affirmatively.

Brief discussion ensued with Councilmember Duncan stating his concern was noise in residential areas noting he had a lot of major residential in his district and stated he would not support the ordinance as presented. Acting President Ronquillo amended the ordinance to exclude residential, which motion was then seconded by Councilmember Duncan. Councilmember Calhoun spoke in opposition stating this would create many problems and lead to some individuals taking advantage and start work earlier and expressed his concern and questioned why the matter was even being brought back at this time. Councilmember Castillo pointed out this would only apply to the summer months and stated it would provide an opportunity to see if it worked. Councilmember Boyajian stated there was already a process in place and questioned why anyone wanted to circumvent the process.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-55 introduced and laid over, *as amended, to exclude residential developments*, by the following vote:

Ayes	:	Castillo, Duncan, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Quintero
Absent	:	None

#### **PUBLIC WORKS BUDGET - CONTINUED:**

Councilmember Calhoun stated he was very unhappy with two projects removed from his district two years ago.

**MOTION - Councilmember Calhoun** - Reallocate \$200,000 for the Figarden/Bullard and Figarden/Brawley projects.

Councilmember Calhoun also expressed concern with the lack of streetlights in some areas of his district stressing it was pitch black and a safety issue and requested staff look into the problem.

**MOTION - Councilmember Boyajian** - Reallocate \$200,000 for Tower District parking.

Acting President Ronquillo advised AB 983 by Assembly Members Briggs and Reyes for Fresno's Enterprise Zone went through the assembly easily and within one to two weeks would be before the Senate and then the Governor's Office and stated this was an opportunity to talk with our state senators and governor's office for passage and signage.

Councilmember Duncan stated the presentation by ADA people was really significant and indicated the lack of attention given to neighborhood infrastructure improvements and stated things like that truly deserved priority when allocating funds.

**MOTION - Councilmember Duncan** - Allocate an additional \$325,000 for neighborhood infrastructure improvements.

**(9 - 0)** Councilmember Boyajian noted when talking about curb cuts liability also had to be considered with the bad streets and sidewalks and stated although he sympathized with the earlier speakers emphasized the City could only do so much with the amount of money available. There was no further discussion.

#### **CITY ATTORNEY**

Laid over to June 12, 2001.

Councilmember Quintero left the meeting at 5:30 p.m. and advised the City Clerk he would review the budget minutes prior to final Council action.

#### **REVIEW OF PUBLIC UTILITY RATE ALTERNATIVES:**

Interim Public Utilities Director McIntyre stated the report was being submitted per Council request, noted the item as presented was not structured as a recommendation or for Council to take a specific action, advised the numbers were also subject to review by the budget office, and gave at length an overview of several Water and Wastewater utility rate alternatives and their implications for Council's consideration and subsequent action, all as contained in the staff report as submitted. Budget Manager Bruney pointed out issues for Council's consideration relative to reserves, capital expense, and the Mayor's position when the rates were put together.

Discussion ensued with Mr. Bruney and Mr. McIntyre responding to questions and/or concerns of President Perea and Councilmembers Duncan, Calhoun and Boyajian relative to future rate increases, if the Mayor had seen the document, sewer fund scenarios, what an ideal reserve would be, impact to water increases with water meters, reasons for both decrease and sufficient reserves, concern with passing on rate increases to rate-payer when the City has them, need to look at an overall rate increase and not draw down reserves, the reserves, spending reserves on the sewer plant, and why reserves were being reduced when known expenses were upcoming.

President Perea noted the report was accepted, thanked staff for the presentation, and stated it made sense to

spread out the increases over a period of time.

**COMMUNITY DEVELOPMENT BLOCK GRANT:**

HNR Manager Bowness gave an overview of the Consolidated Plan and Annual Action Plan processes and the four year overlay, and reviewed the social services funding process including the role of the Housing and Community Development Commission **(10 - 0)**.

Speaking to the issue were: Luisa Medina, P.O. Box 15146, Chair, HCDC, who spoke to their social service evaluation/ranking process; and Kathleen Omachi, 1433 Kern Street, Chinatown Revitalization, who spoke to the need to look into how the CDBG funding programs were being utilized.

Acting President Ronquillo commented on federal dollars and stated he opposed utilizing CDBG funds for the POP program and explained.

**MOTION - Acting President Ronquillo** - Appropriate \$59,000 of POP's \$100,000 allocation for YMCA Youth programs.

Councilmember Boyajian expressed his concern with the City spending only 15% of the funds mandated for housing on housing and spending the rest on other matters stating the City needed to start "weaning" departments off CDBG funds.

**MOTION - Acting President Ronquillo** - Appropriate POP's remaining \$41,000 allocation to the African-American Museum.

**NON-DEPARTMENTAL:**

**MOTION - Councilmember Duncan** - Move \$277,000 from the Commission Support Division to neighborhood infrastructure improvements.

Budget Manager Bruney gave a brief overview of the budget.

Councilmember Calhoun stated he had serious concerns with the budget and made the following motions:

**MOTION - Councilmember Calhoun** - Eliminate non-departmental category. Move all budget items to City Manager, HNR or other City departments with appropriate supervisory authority

**MOTION - Councilmember Calhoun** - Except where legally prohibited (i.e. legal settlements, state and federal housing grants), apply 1.5% budget decrease to Commission on Status of Women, Human Relations Commission, Legion of Valor, Veterans Fireworks, Convention Center events, employee relations, interagency, ArteAmericas, and the SPCA

**MOTION - Councilmember Calhoun** - Since the EDC receives \$300,000 to provide economic development services to the City, eliminate \$50,000 to the Hispanic Chamber and \$25,000 to the Small Business Development Center (the Black Chamber of Commerce, Lao Chamber, Greater Fresno Chamber and similar organizations do not receive City subsidies)

**MOTION - Councilmember Calhoun** - Reduce \$227,000 budget to Human Relations Commission by eliminating the Assistant Ombudsman and secretary. Supervision and secretarial services to be provided by the Public Information Office.

**MOTION - Councilmember Calhoun** - Reduce \$900,000 budgeted for youth services by \$600,000

**MOTION - Councilmember Calhoun** - Reduce \$500,000 budgeted for senior services by \$350,000

**MOTION - Councilmember Calhoun** - Sunset Legion of Valor and Veterans Fireworks for 2003 as other veterans groups do not receive City funding.

**MOTION - Councilmember Calhoun** - Sunset Arte Americas for 2003 as other museums do not receive City funding

Mr. Bruney and HNR Director Quiring responded to questions and/or clarified motions of Councilmembers Calhoun and Ronquillo relative to funds budgeted for Grundfos and Foster Farms, the motion relative to the SPCA decrease, and CDBG programs/projects underspent.

Speaking in support of social service funding were: Rev. Walt Parry, Fresno Metro Ministry; Luisa Medina, who read a statement into the record from Margarita Rocha, Executive Director of Centro La Familia, and spoke as a citizen in opposition to eliminating social service funding; Sue Fenske, President/CEO, Community Food Bank; Roger Palomino, Executive Director, FCEOC; and Susan Fenske again.

**MOTION - Councilmember Boyajian** - \$1.2 million DAP funds to HOME Program

Acting President Ronquillo commented on the importance of and need for social service funding and the related negative results of communities who do not invest in youth and the organizations who provide important services to the community.

**(11 - 0)** Brief discussion ensued on the appropriateness of discussing and making motions on social service funding which is part of the Parks and Recreation budget, and Councilmember Calhoun commented on Councilmember Duncan's motion to eliminate all social service funding and replace with two grant writers.

**MOTION - Councilmember Calhoun** - Reduce the \$776,000 in social service funding by \$100,000 and hire one grant writer to assist social service agencies in applying for grants.

President Perea stated he and some members who were terming-out had been committed to social service funding and noted what was now being heard was a possible policy shift on that issue.

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**INFORMATION SERVICES DEPARTMENT**

**COUNCIL/MAYOR/CITY MANAGER**

**CITY ATTORNEY**

By Council consensus, the above departments were laid over to the continued budget hearing scheduled for June 12, 2001, at 2:00 p.m.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 7:05 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 12<sup>th</sup> day of June, 2001.

\_\_\_\_\_  
Henry Perea, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk